IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8601 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SONABEN JETHABHAI

Versus

MOMAI ENGINEERING WORKS

Appearance:

MR NAGESH SOOD FOR M/S TRIVEDI & GUPTA for Petitioner

NOTICE SERVED for Respondent No. 1 - Absent

MR PREMAL JOSHI, AGP for Respondent No.2

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 16/02/2001

ORAL JUDGEMENT

1. The petitioner seeks a mandamus on the respondent - Collector to recover the amounts due to the petitioner under the certificates issued under section 33C of the Industrial Disputes Act, 1947.

2. Earlier the petitioner had filed Special Civil Application No. 2504 of 1985 for the same purpose and on 10-4-1985, a Division Bench of this Court expressing the hope and recommending that the Collector should take immediate action for recovery of the amount certified, rejected the petition with that recommendation. That order seems to have fallen on deaf ears. Therefore, this petition has been filed for activating the Collector. Under section 33C (1) of the Act, it is the duty of the Collector to proceed to recover the certified amount in the same manner as an arrear of land revenue. If the Collector has not taken any further action for the recovery of the certified amount, he has obviously failed in his statutory duty. It is therefore directed that the respondent - Collector shall proceed to recover the amounts due under the recovery certificates as an arrear of land revenue under section 33C(1) of the Act immediately. Rule is made absolute accordingly with no orders as to costs.

FEBRUARY 16, 2001 [R.K.ABICHANDANI, J.]

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